

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MAYRA ORDONEZ-NIEVES,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PATRICIA NIEVES,

Respondent-Appellant,

and

RIGOBERTO ORDONEZ-HILERIO,

Respondent.

UNPUBLISHED

July 5, 2005

No. 259382

Wayne Circuit Court

Family Division

LC No. 86-255667

Before: Cooper, P.J., and Fort Hood and R.S. Gribbs*, JJ.

MEMORANDUM.

Respondent-appellant Patricia Nieves appeals as of right from an order terminating her parental rights to her minor child pursuant to MCL 712A.19b(3)(g), (i), (j), (k)(i), and (l). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error.¹ If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate the respondent's parental rights unless it finds from the record evidence that termination is clearly not in the child's best

¹ MCR 3.997(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

interests.² We review the trial court's determination regarding the child's best interests for clear error.³

The trial court properly determined that at least one statutory ground for termination had been established by clear and convincing evidence and that termination was not contrary to the child's best interests. The minor child was brought into care shortly after her birth because respondent-appellant received limited prenatal care even though she had a high-risk pregnancy and because she was homeless. Respondent-appellant claimed that she did not know that she was pregnant until the twenty-third week of her pregnancy. She had no income, no supplies for the minor child, and no plan for the child's care. Respondent-appellant did not visit the minor child after she was released from the hospital although the foster care manager set up visitations on three separate occasions and sent respondent-appellant bus tickets. In addition, respondent-appellant's rights to three other children had previously been terminated based on physical abuse and neglect after the children had been wards of the court for seven years. Respondent-appellant had been provided with services in that case but did not comply with the terms of her parent-agency agreement.

Contrary to respondent-appellant's contention, she was not entitled to a parent-agency agreement in this case. If the petitioner requests termination in the initial petition, the trial court can terminate parental rights at the initial disposition hearing without the development and consideration of a case plan to reunite the family.⁴ In light of respondent-appellant's lack of prenatal care and accommodations for this child, her previous involvement with protective services, and the previous termination of her parental rights to three other children, the trial court properly terminated her parental rights without providing her with additional services and the opportunity to comply with the terms of a parent-agency agreement.

Affirmed.

/s/ Jessica R. Cooper
/s/ Karen M. Fort Hood
/s/ Roman S. Gribbs

² MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000).

³ *Id.* at 356-357.

⁴ MCL 712A.19b(4); MCR 3.977(E).